

No. 10-0001

---

IN THE SPECIAL COURT OF REVIEW

---

*Inquiry Concerning a Judge, No. 96*

---

THE HONORABLE SHARON KELLER'S REQUEST FOR HEARING  
ON HER MOTION TO DISMISS AND BRIEF IN SUPPORT

---

Charles L. Babcock  
State Bar No. 01479500  
1401 McKinney, Suite 1900  
Houston, Texas 77010  
(713) 752-4200  
(713) 752-4221 – Fax  
Kurt Schwarz  
State Bar No. 17871550  
901 Main St., Ste. 6000  
Dallas, Texas 75202  
(214) 953-6000  
(214) 953-5822 – Fax  
**ATTORNEYS FOR THE  
HONORABLE SHARON KELLER**

September 9, 2010

**TO THE HONORABLE SPECIAL COURT OF REVIEW:**

Comes now the Honorable Sharon Keller, Presiding Judge of the Texas Court of Criminal Appeals, and files this Request for Hearing on Her Motion to Dismiss.

On September 2, 2010, the Examiner and Special Counsel for the State Commission on Judicial Conduct (the "Commission") filed the Charging Document with this Special Court of Review (the "Charging Document"). Pursuant to Rule 9(c) of the Procedural Rules for the Removal or Retirement of Judges, the Special Court of Review shall conduct a hearing on the Charging Document within thirty days after the date upon which the Commission files the Charging Document. Concurrent with this Request, Judge Keller is filing a Motion to Dismiss and Brief in Support wherein Judge Keller seeks dismissal of all charges asserted against her in the Charging Document, as well as dismissal of the Commission's July 16, 2010, Order and public warning.

Due to the impending thirty day time period set forth by Rule 9(c) of the Procedural Rules for the Removal or Retirement of Judges, Judge Keller respectfully requests that a hearing on her Motion to Dismiss and Brief in Support be set for the earliest possible date.

Respectfully submitted,

/s/ Charles L. Babcock

State Bar No. 01479500

Email: cbabcock@jw.com

1401 McKinney, Suite 1900

Houston, Texas 77010

(713) 752-4200

(713) 752-4221 – Fax

Kurt Schwarz

State Bar No. 17871550

901 Main St., Ste. 6000

Dallas, Texas 75202

(214) 953-6000

(214) 953-5822 – Fax

**ATTORNEYS FOR THE HONORABLE  
SHARON KELLER**

## **CERTIFICATE OF SERVICE**

On September 9, 2010, the original and one copy of the foregoing Request for Hearing on Judge Keller's Motion to Dismiss is being filed with Blake Hawthorn the Clerk of the Special Court of Review by hand delivery with electronic copies to Blake A. Hawthorne and Claudia Jenks. The Request for Hearing has also been served on the following:

Honorable Elsa Alcala  
Justice, First Court of Appeals  
1307 San Jacinto Street, 10<sup>th</sup> Floor  
Houston, Texas 77002

***Via Hand Delivery***

John J. (Mike) McKetta, III  
Graves, Dougherty, Hearon & Moody 401  
Congress, Suite 2200  
Austin, Texas 78701

***Via Hand Delivery and Electronic Mail***

Ms. Seana Willing  
Executive Director  
Texas State Commission for Judicial  
Conduct P.O. Box 12265  
Austin, Texas 78711

***Via Hand Delivery and Electronic Mail***

Honorable Charles Kreger Justice,  
Ninth Court of Appeals  
1001 Pearl Street, Suite 330  
Beaumont, Texas 77701

***Via Federal Express***

Honorable Terrie Livingston  
Chief Justice, Second Court of Appeals  
Tarrant County Justice Center  
401 West Belknap, Suite 9000  
Fort Worth, Texas 76196

***Via Hand Delivery***

/s/ Charles L. Babcock